



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.2785 of 2017

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Latha

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Through its Secretary,
Co-operation, Food and Consumer Protection Department,
Fort St. George, Chennai-9.

2.The Registrar,
Co-operative Societies,
Kilpauk, Chennai-10.

3.The Joint Registrar,
Dindigul Region, Dindigul.

4.The Deputy Registrar,
Co-operative Societies,
Palani, Dindigul District.

5.The Special Officer,
A.1541, Periyakalaiyamputhur Primary Agricultural
Co-operative Credit Society,
Periyakalaiyamputhur, Palani Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide compassionate appointment to the petitioner in any one of the appropriate post within a stipulated time.

For Petitioner : Mr.S.Omprakash
For R1 to R4 : Mr.V.Anand,
Government Advocate.

For R5 :G.Muthukannan

ORDER

Heard Mr.S.Omprakash, learned counsel appearing on behalf of the writ petitioner and Mr.V.Anand, learned Government Advocate appearing on behalf of the respondents 1 to 4.

<https://hccourtsonline.gov.in/cases/judges>



2.This Writ Petition is filed for a direction to direct the respondents to provide compassionate appointment to the writ petitioner in any one of the appropriate post.

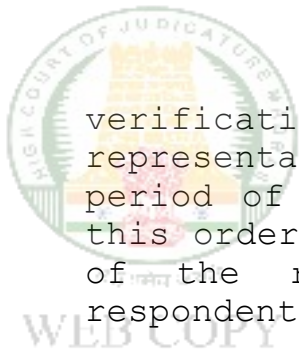
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3.According to the writ petitioner, her husband, namely, S.Muthusamy, was appointed as Clerk in the 5th respondent Society, through employment exchange. After promotion, while he was working as Assistant Secretary, he met with road accident on 04.04.2005 and died on 16.04.2005. Hence, the writ petitioner gave a representation to the fourth respondent on 18.07.2006 seeking for appointment on compassionate ground. The writ petitioner also made an application to the Chief Minister Cell. The fourth respondent, by proceedings dated 21.07.2006, informed that her appointment would be considered, after getting necessary orders from the second respondent. The 5th respondent on 03.12.2012 called upon the writ petitioner to submit all her original certificates. Even after that, the respondents have not acted upon to appoint the writ petitioner. The writ petitioner obtained information through her Advocate under Right To Information Act. In the reply, the 5th respondent informed the writ petitioner that the husband of the writ petitioner was not regularized in service and therefore, the writ petitioner is not eligible to be appointed on compassionate ground.

4.The learned counsel appearing on behalf of the writ petitioner made a submission that no order was passed on the application given to the respondents for appointment on compassionate grounds. Hence, the writ petitioner has come out with the present Writ Petition.

5.From the materials on record, it is seen that immediately, after the death of her husband, the writ petitioner has given representation for appointment on compassionate ground. The respondents informed that the writ petitioner's request would be considered, after obtaining necessary orders from the second respondent. After 6 years from the request of the writ petitioner, the 5th respondent on 03.12.2012, called upon the writ petitioner to produce her all original certificates for verification. Even after the verification of the original certificates, the writ petitioner was not given any appointment on compassionate grounds and no order was passed on her representation. However, the respondents have not rejected the application of the writ petitioner.

6.Considering the fact that the 5th respondent called upon the writ petitioner to submit all her original certificates for



verification, the respondents are directed to consider the representation of the writ petitioner and pass orders, within a period of four (4) weeks from the date of receipt of a copy of this order. The writ petitioner is also directed to submit a copy of the representation along with this order copy to the respondents.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary,
State of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Fort St. George, Chennai-9.

2. The Registrar,
Co-operative Societies,
Kilpauk, Chennai-10.

3. The Joint Registrar,
Dindigul Region, Dindigul.

4. The Deputy Registrar,
Co-operative Societies,
Palani, Dindigul District.

5. The Special Officer,
A.1541, Periyakalaiyamputhur Primary Agricultural
Co-operative Credit Society,
Periyakalaiyamputhur, Palani Taluk,
Dindigul District.

+1 CC to M/s. T.A. EBENEZER, Advocate (SR-86079[F] dated 10/09/2019)

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